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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,997	07/12/2001	Edwin I. Bernard	LIT3-B045	2238
21611	7590	05/03/2005	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			ZEADE, BERTRAND	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/903,997

Applicant(s)

BERNARD, EDWIN I.

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-348 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 15, 16, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 7, 8, 21 and 28 is/are rejected.
- 7) ☐ Claim(s) 22-25 and 29-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 7-8, 15-16, 21-25 and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues with respect to claim 7 and claim 28 that neither Lippmann ('269) nor moster ('030) teach or suggest positioning a filter so that it is disposed between the LED array and the sheet of light pipes for filtering out infra-red light from the LED array and its light guide.

In response to Applicant's arguments, it is obvious that the combination of Lippmann ('269) and Moster ('030) does teach Applicant's claimed invention as discussed below.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "fluorescent light source being positioned to transmit light through the sheet of the light pipe" cited in claims 31 and 34 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate

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figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: Claim 15 cites in lines 10-11, the limitations---**selectively switching on a first group of like colored LEDs in the array but not all the LEDs in the array**---is not in the specification.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-8, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippmann (U.S.5695269) in view of Mosier (U.S.6574030) B1.

Lippmann ('269) discloses a multi-color display lighting by LED having:

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Regarding claim 7, a pair of LED arrays (28) disposed on a plane perpendicular to the plane of the LCD (10), each LED array (28) having a plurality of different groups of different like colored LEDs (28,36), light pipe (22) parallel to the plane of the LCD for transmitting light from the array of LEDs (28) into the plane with the LCD (10), with and of the LCD (10) for providing illumination thereof, the filters (20) disposes between each of the arrays (28) and the pipes (22) for filtering out light from the LEDs.

Regarding claim 8, the array of LEDs (28) includes only red light (col. 1, lines 43-67).

Regarding claim 28, an LEDs array (242/230) having a plurality of different groups of like colored LEDs disposed to backlight the LCD (200). A sheet of light pipes a (232), a filter (24) for filtering out infra-red light from the LEDs (22) see col. 3, lines 53-63).

With respect to claims 7 and 228, Lippmann ('269) does not disclose an infra-red filters as noted above in independent claims 7 and 28.

However, Mosier ('030) discloses a multi-mode display having infra-red filter (24).

Regarding claim 21, the filter (24/224) are adapted for NVIS goggles letting a small amount of red light through (col. 5, lines 6-28).

It would have been obvious to one of ordinary skill in the art at the time invention was made to replace the red filter of Lippman ('269) with an infrared filter, because changing red filter to infrared filter will block any heat that has been generated by light in order to keep the apparatus cool.

***Allowable Subject Matter***

4. Claims 15-16, 24-25 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or teach the selectively switching on a first group of like colored LEDs in the array but not all the LEDs in the array as cited by independent claim 15.

1. Claims 22-23, 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach in such a manner that the switch is operable to cause the red LED of both of the LED arrays to switch on or off without causing the non-red LEDs of either of the LEDs arrays to switch on or off as cited claim 22. Claim 23 is also objected to for its dependency from claim 22.

3. Claim 33 cites the same limitations of claim 22 as applied above.

Therefore, claim 34 is also objected to for its dependency from claim 33.

4. Claims 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach the apparatus comprising a

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switch for addressing only the red LEDs of the LED array. Claims 30-32 are also objected to for their dependency from claim 29.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2875

  
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